



City of Marietta

Meeting Minutes

CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Betty Lou Hunter, Ward 1
M. C. (Pete) Waldrep, Jr., Ward 2
John V. Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, December 8, 2004

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Betty Lou Hunter, M. C. "Pete" Waldrep, Jr., John Vincent Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

Also Present:

William F. Bruton, Jr., City Manager

Douglas R. Haynie, City Attorney

Shelia R. Hill, City Clerk

INVOCATION:

Council member King introduced Board of Lights and Water member Arthur Vaughn who gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway asked Clean City Commission Executive Director Joan Ellars to lead the pledge of allegiance.

PRESENTATIONS:

Mayor Dunaway recognized Judge Earl Glover and the newly elected state senator John Wiles who was in attendance at the Council meeting.

20041388 Swearing In of Police Officers

Swearing In of the following Police Officers:

Michael Gardner

Eric Henderson

Rebecca Hawkins

Kenneth Martin.

Mayor Dunaway, joined by Police Chief Bobby Moody, administered the oath of office to the new police officers. Chief Moody also introduced Officer Nick Costos who is in charge of the recruiting and initial training of new police officers.

This matter was Oath Administered.

20041345 Recognition of City Club, Marietta Staff

Recognition of City Club, Marietta staff for winning the Cobb Convention & Visitors Bureau Agency of the Year award.

Mayor Dunaway, joined by Parks and Recreation Director Rich Buss, presented the Cobb Convention and Visitors Bureau Agency of the Year Award to the Marietta City Club staff for the exceptional service they provide to residents and customers.

This matter was Presented.

20041391 Distinguished Service Award

Presentation of a Distinguished Service Award to Danny Lyle for his service on the City of Marietta Pension Board.

Mayor Dunaway called forward Council member Hunter who presented a Distinguished Service Award to Danny Lyle for his hard work for the employees of the City of Marietta as a member of the Pension Board.

This matter was Presented.

20041379 2004 SEDC Literature and Promotion Award

On behalf of the Marietta Economic Development Department, Beth Tippins receives the 2004 SEDC Literature and Promotion Award which is awarded for excellence and creativity in a general purpose brochure.

Mayor Dunaway, joined by City Manager Bill Bruton, explained that Acting Economic Development Director Beth Tippins has been awarded the 2004 SEDC Literature and Promotion Award for marketing. The award covers a City of Marietta profile piece along with other literature and brochures produced within the last year.

This matter was Presented.

20041390 Citizens Government Academy Class of 2004

Graduates include:

Shamica Harper
Mary Armstrong
Robert Cranford
Nell Gresham
Erik Kviten
Janet Hosler
John Holmes
Angela Smith
Sharon Bruton
Jesse King
Jim Underwood

Chuck George
Patricia Henao
Velma Cromer
Shae Avery
Arthur Vaughn

Mayor Dunaway, joined by Assistant to the City Manager Shannon Long, presented certificates to the 2004 graduating class of the Citizens Government Academy. Ms Long extended praise and gratitude to the Citizens Government Academy graduates for their community awareness and involvement.

This matter was Presented.

PROCLAMATIONS:

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*).

(A public hearing will be held only for those items marked by an asterisk that require a public hearing, which is so noted below the agenda item.)

Mayor Dunaway succinctly explained the consent agenda process. The following amendments were made to the agenda:

-under City Council Appointments: Agenda item 20040464 was removed from the agenda.

-under Judicial/Legislative: Agenda item 20041320 was added to the consent agenda.

-under Parks, Recreation and Tourism: Agenda item 20040943 was removed from the agenda.

-under Public Works: Agenda item 20041196 was added to the consent agenda.

-under Other Business: Agenda item 20041378 was removed from the agenda.

-under Other Business: Agenda item 20041389 remained on the consent agenda, with the following change, "Ordinance to amend FY2005 General Fund budget to appropriate \$1,425,000 from fund balance to the property acquisition account and authorize staff to acquire property."

-under Other Business: Agenda item 20041371 was added to the consent agenda with the following motion, "Motion to amend the bylaws of the Marietta Redevelopment Corporation under Section 2, Composition, to designate the Cobb County Commission Chair as a non-voting member."

-under Other Business: Agenda item 20041411 was added to the consent agenda.

-under Other Business: Agenda item 20041176 was noted to show Philip M. Goldstein voting against the action taken by the BLW under agenda item 20041235.

Mayor Dunaway opened the public hearing for items on the consent agenda requiring a public hearing.

Samuel Elliott, who resides at 521 Grogan Street, asked a question regarding how the amendment compares to the existing Future Land Use Map.

Mayor Dunaway explained that the public hearing was not a question and answer session, but was primarily for public comments regarding the amendments. Staff was asked to meet with Mr. Elliott to answer any specific questions.

Mayor Dunaway closed the public hearing.

MINUTES:

* **20041343 Regular Meeting - November 10, 2004**

Review and approval of the November 10, 2004 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041359 Special Meeting - November 29, 2004**

Review and approval of the November 29, 2004 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

* **20041363** **Clean City Commission**

Reappointment of Jewell Cribb to the Clean City Commission for a two-year term expiring on January 1, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

CITY COUNCIL APPOINTMENTS:

20040464 Planning Commission Appointment - Ward 3

Appointment to the Planning Commission, Ward 3, to fill an unexpired term of three (3) years expiring on May 17, 2007.

This matter was Removed.

*** 20041299 ADA Advisory Board - Post 2**

Reappointment of Paul Duncan to Post 2 of the Americans with Disabilities (ADA) Advisory Board for a three-year term, effective January 1, 2005 and expiring on December 31, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041301 Civil Service Board - Post 3**

Reappointment of Leon King to Post 3 of the Civil Service Board for a three-year term expiring on December 31, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041360 Clean City Commission - Ward 1**

Reappointment of Martha Crawford to the Clean City Commission for a term of two-years expiring on January 1, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041373 Clean City Commission - Ward 2**

Reappointment of Courtenay Vanderbilt to the Clean City Commission, Ward 2, for a two-year term expiring on January 1, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041370 Clean City Commission - Ward 3**

Reappointment of Mary West to the Clean City Commission, Ward 3, for a two-year term expiring on January 1, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041368 Clean City Commission - Ward 6**

Reappointment of Karen Hillenbrand to the Clean City Commission, Ward 6, for a two-year term expiring on January 1, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041369 Clean City Commission - Ward 7**

Reappointment of Lloyd Nawrocki to the Clean City Commission, Ward 7, for a two-year term expiring on January 1, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ORDINANCES:

* **20040945 CA2004-22 Amendment to the City of Marietta Future Land Use Map.**

Ord 6754 Ordinance amending the City of Marietta Comprehensive Plan 1997-2006 and

Future Land Use Map.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

*** 20041323 Denial of Claim**

Motion to deny the claim of Sharon and Michael McGuire

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0

Approved to Deny Claim

CITY MANAGER'S REPORT:

No Report

MAYOR'S REPORT:

Mayor Dunaway mentioned that legislature has proposed the institution of a statewide sales tax to support the schools and do away with school property taxes, which may sound good on the surface but if property taxes ended, this would restrict the use of TAD (Tax Allocation District). Everyone was encouraged to speak with their legislature to voice their opinions.

COMMITTEE REPORTS:

1. Economic/Community Development: John V. Sinclair, Chairperson

*** 20041318 CDBG Reallocations**

2004-1369 A Resolution authorizing the reallocations of \$400,000 to Housing Rehab, \$100,000 to the Boys and Girls Club Latino Outreach Center on Franklin Road and \$25,000 to contract for a Franklin Road Project Coordinator from Community Development Block Grant funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

2. Finance/Investment: Philip M. Goldstein, Chairperson

3. Judicial/Legislative: M. C. "Pete" Waldrep, Jr., Chairperson

*** 20041320 Revised Detailed Plan for McLaren Mill Development, LLC**

Motion to approve the Revised Detailed Plan for McLaren Mill Development, LLC with the following stipulation: Variance to allow more than 2 houses off of a common drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041324 Marietta Museum of History By-laws Amendment**

Motion to approve an amendment to the bylaws of the Marietta Museum of History to provide for the creation of a Board of Emeritus.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

4. Parks, Recreation and Tourism: Rev. Anthony Coleman, Chairperson

20040943 Request for Easement on City Park Property

Motion to approve a Revocable Easement Agreement to grant an easement within Whitaker Park to the Holcomb Lake neighborhood.

This matter was Removed.

* **20041319 2005 Taste of Marietta Event Requests**

Motion to approve permitting the sale and consumption of beer and wine in the Square area during the Taste of Marietta on April 24, 2005 as provided in the City of Marietta Code of Ordinances, Section 10-4-070. Further, to approve temporary closings of:

- North and West Park Square on Saturday, April 23, 2005 and Sunday April 24, 2005 until 10:00 p.m.

- East Park Square and Lawrence Street between East Park Square and Waddell Street from 1:00 a.m. until 10:00 p.m. on Sunday, April 24, 2005.

- Mill Street between the railroad tracks and West Park Square, Church Street from the south side of Hansell Street to North Park Square, and Cherokee Street from North Park Square to the entrance of the Cobb County parking deck at 8:00 a.m. on the morning of the festival.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

5. Personnel/Insurance: Betty L. Hunter, Chairperson

* **20041316 Consulting Services for Police Lieutenant & Sergeant Assessment Centers**

Motion to approve an agreement with Dr. James M. Austin, Jr., to administer the promotional assessment centers for the positions of Police Lieutenant and Police Sergeant.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041317 Frequency of ADA Advisory Board Meetings**

Ord 6755

Amending City Code Sections 1-10-6-020, Par. B (6) so as to delete any requirement of the ADA Advisory Board to meet on a monthly basis.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: G. A. "Andy" Morris, Chairperson

*** 20041288 MPD's Standard Operating Procedures**

Motion to adopt Standard Operating Procedures dealing with Personnel Selection (A039), Detention & Housing of Detainees (A052), Allocation & Distribution of Personnel (A053), Departmental Forms & Reports (A070), Roadblocks (P042), Traffic Accidents (P047), Vehicle Impounds (P048), Traffic Enforcement (P049), D.U.I Arrests (P051), and Training (T050) in order to maintain accreditation status.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

7. Public Works Committee: James W. King, Chairperson

*** 20041196 Request for "No Parking" Zone on Brandon Drive**

Motion to approve a request to designate the frontage of 1475 Brandon Drive and the Brandon Drive frontage of 495 Monteign Court as " No Parking Zones."

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041314 "No Parking" Zone on Wellons Street**

Motion to approve a request to designate the frontage of 356 Wellons Street as a "No Parking Zone."

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20041321 HO2004-05 111 Doran Avenue

HO2004-05 Motion to approve home occupation for Walter Scott Allen, Land Lot 12340, 16th District, Parcel 1250, 2nd Section, Cobb County, Marietta, Georgia and being 111 Doran Avenue. Request to establish a home occupation for chiropractic office [712.04]. Ward 1A.

Mayor Dunaway opened the floor to anyone wishing to speak for or against this matter.

Applicant Walter Scott Allen requested approval of a home occupation permit for a chiropractic office in his home located at 111 Doran Avenue. Mr. Allen stated

that he has spoken to his neighbors and they do not have any objections to him having a chiropractic office in his home.

Council member Hunter mentioned that this property is located adjacent to the Greater Community Church of God in Christ and she has had no citizens call to oppose this matter. Council member Hunter also mentioned that Mr. Allen lives next door to Mr. William Florence who serves on the Planning Commission for the City of Marietta and does not seem to oppose this matter.

Council member Coleman questioned the exact position of the subject property and whether it was located in the middle of a residential area. Acting Planning and Zoning Director Rusty Roth stated that there are some commercial properties on that side of the street; however, Mr. Allen's property was the first house that starts the residential area.

Council member Hunter made a motion to approve the home occupation for Walter Scott Allen at 111 Doran Avenue to establish a chiropractic office.

Further discussion was held regarding parking for the chiropractic office. Mayor Dunaway questioned whether Mr. Allen planned to add pavement to accommodate clients. Mr. Allen remarked that he already had ample parking for clients at the back of his home.

Council member King wanted to confirm that Mr. Florence, Planning Commission member, supported this matter. Mr. Florence affirmed that he does support the home occupation permit.

Council member Goldstein clarified that this was a one-year permit only, which would be subject to staff review for renewal at that time.

The motion was made by Council member Hunter, seconded by Council member Goldstein, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

20041378 MOU with Madison Retail, LLC

Motion to: (a) approve the action of the Marietta Redevelopment Corporation Board on November 17, 2004, which approved the extension of the Memorandum of Understanding with Madison Retail for sixty (60) days;
(b) renew and extend the MOU with Madison Retail for sixty (60) days; and
(c) authorize the negotiation of a Master Development Agreement between the MRC and Madison Retail.

This matter was Removed.

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20041389

Budget Amendment to Add Funds to Property Acquisition Account

Ord 6756

Ordinance to amend FY2005 General Fund budget to appropriate \$1,425,000

from fund balance to the property acquisition account and authorize staff to acquire property.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041366 Georgia Public Web (GPW) Board Nomination**

Motion to nominate John Kane to serve on the Georgia Public Web (GPW) Board of Directors.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041410 Georgia Public Web Voting Delegate**

Motion to nominate Robert Lewis as voting delegate and Herb Edwards as alternate voting delegate for the Georgia Public Web Board.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041371 MRC By-laws Amendment**

Motion to amend the bylaws of the Marietta Redevelopment Corporation under Section 2, Composition, to designate the Cobb County Commission Chair as a non-voting member.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041387 Extension of MCCR Management Contract**

C/A 2983

Motion to extend the management contract for the Marietta Conference Center & Resort with Remington Hospitality until January 13, 2005.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041412 268 Lawrence Renovation Funding**

Ord 6758

Ordinance amending FY05 CDBG fund budget to receive and appropriate \$15,000 from Cobb County CDBG for renovating common space at 268 Lawrence Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20041413 Rezoning Advertisement for Johnny Walker Homes Property**

Motion to approve advertisement of the City's intent to rezone the entire property, approximately 10.73 acres, known as the Johnny Walker Homes redevelopment property to MXD (Mixed-Use Development).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041411 Authorization for Survey and Budget Amendment for Funding**

Ord 6757

Motion authorizing staff to conduct a survey and amend the Fiscal Year 2005 budget to appropriate funding for said survey of property known as the Johnny Walker Homes redevelopment property in two separate parcels: 1) front rights of way that the city will not sell, and 2) the remaining property the city plans to redevelopment and is willing to sell.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20041176 BLW Actions of December 6, 2004**

Review and approval of the actions and minutes of the Board of Lights and Water at their December 6, 2004 regular meeting.

Motion to approve with the notation Philip M. Goldstein voting against the action taken by the BLW under agenda item 20041235.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 7:41 p.m.

Date Approved: _____

William B. Dunaway, Mayor

Attest: _____

Shelia R. Hill, City Clerk